

# GIBSON DUNN

Gibson, Dunn & Crutcher LLP

1050 Connecticut Avenue, N.W.  
Washington, DC 20036-5306  
Tel 202.955.8500  
www.gibsondunn.com

Jason C. Schwartz  
Direct: +1 202.955.8242  
Fax: +1 202.530.9522  
JSchwartz@gibsondunn.com

July 13, 2020

The Honorable Brian M. Cogan  
United States District Court for the  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *Palmer, et al. v. Amazon.com, Inc., et al.*, No. 1:20-cv-2468 (E.D.N.Y.)

Dear Judge Cogan:

In advance of the preliminary injunction scheduled for July 15, Defendants Amazon.com, Inc. and Amazon.com Services LLC (collectively, “Amazon”) respectfully submit the Supplemental Declaration of Meghan Fitzgerald. *See* Ex. 1. This Supplemental Declaration includes an e-mail sent to all associates at the JFK8 facility (“JFK8”) today and an excerpt from a poster displayed in the bathrooms at JFK8 today. Amazon submits that its policies relating to the suspension of productivity feedback during the COVID-19 pandemic and associates’ ability to use “time off task” (“TOT”) to wash their hands and clean their workstations have been clear to its associates. ECF 45, Stephens Decl. ¶¶ 11-13, 19-20. However, given Plaintiffs’ erroneous contentions in this case, in an abundance of caution Amazon reiterated this morning its policies regarding productivity feedback and TOT use during the COVID-19 pandemic.

Specifically, earlier today, in both an email sent to all associates and posters displayed in the bathrooms at JFK8, Amazon communicated to all JFK8 associates that “[i]n response to COVID-19, since mid-March 2020, [Amazon] ha[s] temporarily suspended our productivity feedback” for associates to ensure they can “maintain a safe environment through social distancing, hand washing, sanitizing work stations and using the restroom.” Supp. Fitzgerald Decl., Ex. A. This communication further confirms that “time spent adhering to these safety measures will not be subject to feedback relating to TOT.” *Id.*

Thank you for the Court’s consideration of these matters.

Respectfully submitted,

/s/ **Jason C. Schwartz**

cc: Counsel for Plaintiffs (*by ECF*)